UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1998/NGO/25
24 February 1998

Original: ENGLISH, FRENCH and SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Items 5 and 6 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Joint written statement submitted by the International League for the Rights and Liberation of Peoples and the American Association of Jurists, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1998]

Land disputes in Chiapas

1. To some extent and under universally acknowledged economic circumstances such as those prevailing in many of the Latin American countries, neoliberalism is bound to increase social inequality, one of its major tenets being the reduction of States' participation in national life thus generating a wave of privatization of public enterprises followed by loss of jobs and general widespread unemployment. By the same token, the opening of capitals markets puts an obligation on Governments - everywhere - to reduce their deficits which more often than not is attained by slashing down social expenses. The outcome of liberalization and deregulation may translate into totally different scenarios staging either opportunities or threats, depending on the regions and socio-economic categories involved.

2. In point of fact, the negative wracking impact of the above-mentioned neoliberal adjustments has been deeply felt by the poorer layers of the population of the southern regions of Mexico, a country which counts with 93 million inhabitants, 10 million of whom are indigenous surviving in conditions of extreme poverty and who have been further marginalized by the neoliberal programmes.

3. The United Nations Development Programme's report for 1997 states that in the "municipios" where the indigenous peoples represent less than 10 per cent of the population, only 18 per cent live below poverty threshold whereas where they constitute 70 per cent of the population, poverty rate reaches as high as 80 per cent. Their income barely allows them to buy one fourth of the daily minimum calories consumption, school attendance is three times less than for non-indigenous peoples and, generally speaking, their health and housing conditions badly need improvement.

4. The outlook appears to be equally gloomy in such other fields as employment level and salaries. The insufficient rate of job creation is best exemplified by past Finance Minister and economist David Ibarra who declared that over the period 1982-1996 employment increased by only 26,000 jobs in the formal sector whereas informal economy absorbed more than 2.6 million people. (1) It must be noted in this respect that according to ILO (International Labour Office) data the informal sector of the economy accounts for 60 per cent of the total number of jobs, the remaining 40 per cent being shared by large enterprises and the State.

5. As to equitable salaries, in 1996, out of the total number of workers, that is 35.2 million - 11.55 per cent received no salary; 19.17 per cent received less than the minimum wage (26.45 pesos a day); 29.50 per cent between once or twice the minimum wage; 25.18 per cent from twice to five times the minimum wage and 9.55 per cent more than five times the minimum wage. Thus the income of at least 31 per cent of the workers, that is 11 million people, was not sufficient for them to cover the basic food basket, the cost of which corresponds to twice the minimum wage. (2) Moreover the real value of salaries has been continuously and severely eroded in the course of the years. The Central Bank of Mexico has declared that the real minimum wage (in 1994 pesos) was 40.81 pesos a day in 1982 and only 11.36 pesos in April 1997. That is a drop by 72 per cent over a period of 15 years.

6. 1 January 1994 was to be celebrated in Mexican history as the opening day of the North American Free Trade Agreement (NAFTA). The rebellion in Chiapas changed all that and drew world attention to a crisis which had been long brewing and was firmly rooted in the peasant indigenous people's sense of injustice as well as in the awareness of the centuries-old denial of their economic and social rights such as the right to food and most of all the right to land which, within the framework of the traditional culture, is of the utmost importance, not just for mere physical survival but also and uppermost for the harmonious socio-cultural development of all members of these rural indigenous communities.

7. Chiapas, where the notoriously unequal distribution of land has remained largely untouched by agrarian reforms, accounts for fully a third of the agrarian department's backlog of unresolved conflicts and land distribution decrees that were never carried out on the ground. For the "campesinos", it is a backlog of broken promises. And their hope to see promises redeemed within the system has been dashed by reforms of the Mexican Constitution such as the amendment in 1992 of article 27 which in the former version stipulated that social property of land was imprescriptible and not transferable but which now, in its new formulation, allows and opens the way for privatization of the few fertile lands of the indigenous peoples. As a matter of fact privatization of public enterprises coupled with the aforementioned 1992 reform that authorized the buying of the "ejidos" provided capital holders with an important new source of wealth. In the midst of one of the most serious economic crises of the country the number of billionaires increased from 10 to 15 and in 1996 their cumulate wealth represented 9 per cent of the GNP. The Government, moreover, for years unwilling to redistribute lands in Chiapas, encouraged landless families to move to the Lacandon jungle, to cut down the forest, and to raise subsistence crops, coffee and cattle. This policy produced a long and bloody history of land conflicts, uncounted numbers of community leaders have been killed with impunity over the last two decades. The mainstays of peasant economy, too, were in deep trouble in the period leading up to the rebellion. Prices for coffee were down, logging was banned (at least for peasants). These problems aggravated the already existing crisis of the regional peasant economy, including a shortage of land and erosion in the highlands and poor soils in previously forested lowlands. Meanwhile the Government slashed farm support programmes - agricultural credit and technical assistance - deepening the regional economy's spiral downward.

8. The insertion of NAFTA into these already unpromising conditions signified a deepening of rural problems - the end of land reforms, increased polarization within Mexico between North and South, and the exclusion of indigenous peoples from the national debate. (3)

9. In Chiapas the bulk of the population - which represents about 40 per cent of the total rural population - is highly dependent on agriculture, but over half of them earn less than US$ 3 per day and have very limited access to credit, if none, whilst the authorities seem more interested in supporting the investments of a small number of enterprises which are well capitalized and tied to the governing elite who over the years have dedicated to them State financial and technical resources. Thus the overall picture is one where the private sector reaps the benefits of an unfair share of the best lands. (4)

10. Despite the recent improvement in economy at national level, as evidenced by macroeconomic indicators - GNP increased by 5.1 per cent in 1996, inflation decreased by half as compared with 1995, lower "official" unemployment rate, slowing down of salaries drop, stable exchange rates, manageable external debt (5) - no significant corresponding improvement could be observed in the poorer areas. Quite the opposite, the just demands for an overall redressing of the past-inherited unjust conditions of land tenure, access and distribution have gone totally unattended and, what is worse, in such regions as Chiapas, Guerrero or Oaxaca they have met with repression and militarization due to the lack of political will and to the rich landowners' determined defense of their privileges.

11. Instead of resorting to economic corrective actions, authorities have favoured paramilitarization and military intervention to solve a social problem and in this respect special mention should be made of the emergence of paramilitary groups such as *Alianza Bartolomé de los Llanos, Paz y Justicia, Los Chinchulines* and *Mascara Roja,* all of which counting with the authorities' support and tolerance, often linked to the official Institutional Revolutionary Party - PRI - and in most cases financed by the landowners.

12. The result has been disruption of the social fabric of indigenous communities, social and political turmoil and increase of paramilitary violence which in turn has led to massive displacements of the indigenous population and repeated attempts to silence the leaders of the most important peasant organizations.

13. The just demands for better and more dignified living and working conditions have turned into a political military conflict - what authoritative organizations among which for instance the Human Rights Center "Fray Bartolomé de Las Casas" have rightly termed "low intensity war" and yet the basic root continues to be the struggle for land and by way of consequence the struggle for the acknowledgement of economic and social rights denied by the powerful. (6)

SOURCES

(1) Declaration by Mr. David Ibarra, Finance Minister under President José Lopez Portillo (1977-1982) and present adviser in the Economic Commission for Latin America and the Caribbean, United Nations.

(2) Instituto de Estadística, Geografía e Informática (INEGI).

(3) "The roots of Chiapas", Boston Review of Economics, 1997.

(4) David Barkin, "The specter of rural development"

(5) UNDP 1997 Report.

(6) Centro de Derechos Humanos "Miguel Augustin Pro Juárez" and Comisión Nacional de Intermediación (CONAI).